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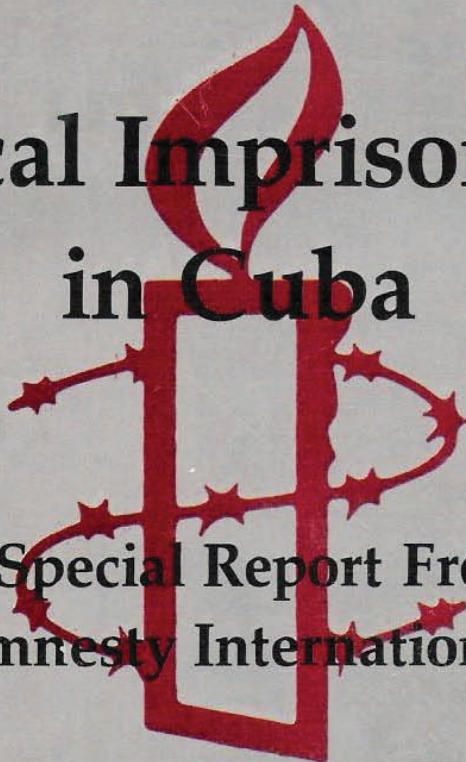
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Political Imprisonment in Cuba



A Special Report From
Amnesty International

THE CUBAN-AMERICAN NATIONAL FOUNDATION

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The Cuban American National Foundation wishes to express its gratitude to Amnesty International for its continued efforts on behalf of political prisoners in Cuba and elsewhere.

Anderson

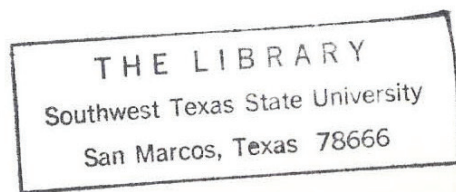
POLITICAL IMPRISONMENT IN CUBA

A SPECIAL REPORT FROM
AMNESTY INTERNATIONAL

The Cuban-American National Foundation

1987

Amnesty International is an international human rights organization that seeks to free political prisoners and better human rights conditions throughout the world. In 1977, in recognition of its work, Amnesty International received the *Nobel Peace Prize*.



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Amnesty International

POLITICAL IMPRISONMENT IN CUBA

Introduction

During the early years of the revolution which brought Fidel Castro to power in January 1959, thousands of political opponents were tried by Revolutionary Tribunals and convicted of crimes against the security of the State on accusations of "counter-revolutionary activities" (a charge covering a variety of political activities including armed political opposition) and related crimes against the security of the State. Evidence in Amnesty International's possession suggests that the summary procedures followed in these trials did not always conform to internationally recognized standards for a fair trial; for example, the right of defense appears to have been severely limited. Sentences imposed by the Revolutionary Tribunals (abolished in 1973) were harsh, often as much as 60 or 90 years. The death penalty was also widely applied during the period immediately after the revolution: hundreds of political prisoners were sentenced to death by Revolutionary Tribunals and executed by firing squads. In the 1970's the judiciary underwent a number of changes. For instance, the new Penal Code introduced in 1979 fixed a maximum sentence of twenty years for crimes not punishable by the death penalty and thirty years as a possible alternative to the death penalty. It is believed that, in accordance with Article 3.2 of the new code which reads "...la nueva ley es aplicable al delito cometido con anterioridad a su vigencia si es más favorable al encausado." (The new law is applicable to crimes committed prior to its coming into force if it is favourable to the accused.), those still serving their prison terms at that time had their sentences reduced accordingly.

In September 1978, a release program was announced by the government bringing about the release of almost 4,000 political prisoners between December 1978 and the end of 1979. Those released included hundreds of *plantados* — a category of prisoner known for their refusal on

political grounds to take part in the government's "rehabilitation" programs (these originally involved prisoners' participation in political re-education and paid manual work, though later "rehabilitation" is said to have focused on the work schemes only), and to wear the prison uniform worn by ordinary (as opposed to political) prisoners. Some 250 *plantados* were not included in the 1979 releases and remained imprisoned in several prisons, principally Combinado del Este in Havana, Boniato in Oriente Province and Kilo 7 near Camagüey (for details of the situation of *plantados* and the conditions in those prisons, see below). Since then, a number have been released upon expiry of their sentences while many others were reportedly held for variable periods of time after their original sentence had expired. As many as 50 prisoners are known to have been kept beyond their original sentence between 1977 and 1983. All, however, were subsequently released. Amnesty International appealed to the Cuban Government on behalf of the re-sentenced prisoners on the grounds that the prisoners were kept in detention following summary proceedings which did not conform to internationally recognized standards.

The practice of not releasing political prisoners after the expiry of their original sentence seems to have first appeared in the mid-1970s when, according to official statistics, many prisoners serving terms of ten or twelve years were released only after having served between one and four additional years in prison. With few exceptions, it appeared that formal judicial procedures were not used to re-sentence prisoners. In some instances, prisoners were reportedly subjected to summary trials on charges such as having "a rebellious attitude," often because they had participated in hunger strikes or refused to work and/or wear prison uniform. (The *plantados* reportedly claimed that such regulations and tasks constituted a denial of their political prisoner status.) Most, however, were simply informed orally by prison guards that they had been re-sentenced to a further period of imprisonment, usually one or two years, although some were given what appeared to be official court documents stating that a further sentence had been passed.

Following a hunger strike staged by 11 *plantados* in Boniato Prison in October/November 1982 in protest against their continued detention after completing long sentences, many were transferred to a maximum security building in the prison and reportedly told by the authorities that their release was imminent. From the last months of 1982 until August 1983 approximately 35 *plantados* were released from both Boniato and Combinado del Este Prisons. Many had served two years in excess of their original sentences.

One such long-term political prisoner released in 1983 was Raúl del

Valle Vilardel. Arrested on 7 November 1961 and later given a twenty-year sentence by the Havana Revolutionary Tribunal, he was due for release in November 1981. However, he was not freed from Boniato Prison until 6 April 1983 — 21 years and 5 months after his arrest. An official document issued by the Cuban penal services to Raúl del Valle on the day of his release shows the sentence and the date of his arrest and release, but gives no explanation as to why he was not released when the twenty years expired.

Amnesty International has not been able to establish whether any prisoners have been re-sentenced in this way in the past two or three years, although it is thought that some prisoners may have been tried for a second time while still serving their sentence after having tried to escape or for having breached prison discipline.

Because of the difficulties in obtaining information from sources within the country, Amnesty International is unable to give a precise figure. The organization has the names and background details of some 500 prisoners but this figure only refers to prisoners being held in closed prisons (as opposed to other type of prison regime in which prisoners work, for example, on building projects) and therefore the real figure is higher.

At the time of writing, Amnesty International has received the names of some 90 political prisoners who have been released in the course of 1986, some upon expiry of their sentence and others as the result of interventions by foreign delegations. They include many of the long-term *plantado* prisoners. In September 1986, a group of 68 former political prisoners and members of their families arrived in Miami. While some had been released only days earlier, many had been released earlier in the year or during 1985.

PRISONS AND PRISON CONDITIONS

The majority of known male political prisoners are currently held in the high security prisons known as *Centro Penitenciario Combinado del Este*, Combinado del Este Penitentiary, on the outskirts of Havana, and in Boniato Prison, near Santiago de Cuba in the east of the country. Others are held at "Kilo 7" Prison in the Province of Camagüey; Holguín Prison in the Province of Holguín; the *Centro de Seguridad Nieves Morejón*, between Guayos and Sancti Spiritus in the Province of Sancti Spiritus; and other prisons in Cienfuegos, Pinar del Río, Matanzas and Baracoa. Many other political prisoners are known to be held at a number of work centres where they carry out construction, agricultural and other kinds of skilled and unskilled work.

Most female political prisoners are believed to be held at the *Centro de*

Reeducación para Mujeres de Occidente, on the outskirts of Havana (nicknamed by the prisoners "Manto Negro", "Black Cloak"), and at the *Centro Femenino Penitenciario* in Camaguey.

Prison Regime

According to a publication of the Ministry of Justice dating from 1985 called *El Sistema Jurídico Penal en Cuba*, The Penal Legal System in Cuba, "the main function of the penitentiary institutions in Cuba is to correct and re-educate the convicts in work habits, the strict observance of law and respect for social living conventions, to prevent them from perpetrating new crimes." Amongst the "fundamental means of correction and re-education of convicts" are the following:

— the progressive penitentiary regime, through which the convict's situation may be improved according to his attitude towards work and other indicators, and pass from a more severe phase to another less rigorous.

— socially useful work, as a means of education, which is done according to a work regime similar to that applicable to all workers in the country..."

In addition to these, the prisoners are said to be provided with "indispensable living conditions according to acceptable dietary, sanitary and hygienic norms", free hospitalization and medical care, socio-educational activities, general and technical professional education, and sport and recreational activities. They are also said to have the possibility of using the *pabellones conyugales*, conjugal pavilions, so that married prisoners may maintain their relationship with their partner, and to be permitted "to exchange mail with residents outside the penitentiary, as well as to receive visitors and consumer goods." All of these, according to the brochure, "indicate the respect shown to the dignity and human rights of the convicts."

As already mentioned above, over the years large numbers of political prisoners have, as a political act, consistently rejected participating in the rehabilitation program, known as the *Plan Progresivo*, Progressive Plan, and have refused to wear prison uniform and to adhere to other aspects of prison discipline. They have become known as *plantados*, literally "those who stand firm". At the time of writing, some 80 long-term *Plantados* are believed to be held in Combinado del Este, Boniato and Kilo Siete prisons. However, Amnesty International has recently received reports that there

is a group of prisoners mostly convicted in the 1980s known as the "new *plantados*" in Combinado del Este Prison, nineteen of whom went on hunger strike in January 1986, apparently in protest at the suspension of family visits. In a letter smuggled out of the prison, they also claimed to have been deprived of sunlight for two years and that they were not receiving adequate medical attention. Amnesty International has so far received no further information concerning the outcome of the hunger strike.

Because of their refusal to engage in any activities which they believe to be incompatible with their beliefs, the long-term *plantados* have claimed that they have frequently been denied certain of the "privileges" that, according to the publication cited above, are guaranteed to prisoners. Amnesty International has often received reports that they have been denied visits, access to correspondence (both sending and receiving), adequate medical care, fresh air, etc., although, in some cases, it is believed that the prisoners themselves have refused to see their relatives in protest at the conditions imposed by the authorities for such visits, i.e. that the prisoners have to be strip-searched and to wear the prison uniform. They have also participated in a number of hunger strikes in order to put pressure on the Cuban authorities to accede to their demands. Several reports have also been received by Amnesty International of *plantados* having been badly beaten by guards or placed in cells whose grilled doors have been totally covered with steel plates, known as *celdas tapiadas*, for prolonged periods after refusing to obey an order or refusing to conform to prison discipline, or of being held in other kinds of punishment cells for several weeks at a time. Many of the long-term *plantados*, most of whom have spent a least 15 or 20 years in prison, are reported to be suffering from serious illnesses. Their condition may have been compounded by ill-treatment and the effects of the hunger strikes, prolonged detention and a reportedly inadequate diet. As already stated above, medical treatment is in principle freely available to all prisoners and every major prison has a prison hospital. However, Amnesty International has received reports that on occasion medical care has been withheld or only very basic assistance provided as a form of punishment. Serious illnesses, however, do appear to receive attention, and several prisoners have reportedly been released on health grounds, although a number of others have died in prison in recent years, apparently as the result of illness or old age, for example, Aramis Taboada (1985), Guido Faramiñán Fernández (1985) and Felipe Hernández Martínez (1981), all in Combinado del Este; Ubaldo Hernández Consuegra (1985) and Santiago Roche Valle (1985), the latter apparently from the effects of hunger strike, in Kilo Siete. Amnesty International is not in a position to judge whether insufficient

medical treatment was provided.

Boniato Prison

Most of the *plantado* group of prisoners are held in Boniato or Combinado del Este high security prisons. Those held at Boniato in a section known as Boniatico appear to have been singled out for particularly harsh treatment at certain times. Following a hunger strike in November 1982, their conditions are said to have worsened: all *plantados* are said to have been denied visitors and were allowed to receive and send almost no correspondence; reading material and regular exercise periods were reportedly forbidden to them. This regime was reportedly eased towards the end of 1984 when some *plantados* were said to have been granted limited rights to visits and correspondence. A high wall is said to have been constructed close to the maximum security building where the *plantados* are held, cutting out daylight from their cells, and obscuring any view of the recreation area which they previously had from cell windows. Former prisoners suggest that this wall is intended to further isolate the *plantados* by ensuring that no messages can be transmitted in or out of Boniato via other prisoners in the recreation area. The two-person cells have a hole in the floor serving as a toilet and water is available three times a day. They originally had bars on the windows and doors, but these have now reportedly been covered with steel plates so that there is no daylight, and are known as *celdas tapiadas* like the ones in Combinado del Este Prison.

One former *plantado* prisoner held in Boniato reportedly went on hunger strike in January 1983 when medical assistance was apparently denied to him for an urological problem. According to the testimony of another former prisoner, he was removed from his cell and taken to a closed cell in the infirmary with no light, water or toilet. After thirteen days he reportedly lapsed into unconsciousness and was fed intravenously. When he woke up, he found that he had been dressed in the uniform worn by the common prisoners. He apparently removed the uniform and announced he was going on hunger strike again, this time for fourteen days. He was transferred in May 1983 to Combinado del Este Prison, where he was told that he would be operated on, but subsequent reports as of mid-1984 suggest that this did not happen.

Combinado del Este Prison

Long-term *plantado* prisoners in Combinado del Este are also held together as a group on the second floor of one of the three prison

buildings. They are placed in 2-, 8- and 12-person cells, containing bunk-beds, a hole in the ground which serves both as a toilet and as a drain for the water from the shower head, and which is separated from the beds by a thin metal sheet or wall. There are reportedly no windows, just long narrow grates, overlooking a patio or a passageway. Temperatures are said to be extreme, very hot in summer and cold in winter. Meals are provided three times a day and, unlike Boniato, *plantado* prisoners are reportedly allowed out of their cells to eat. Some ex-prisoners have stated that the food was often rotten and inadequate, although others have contradicted this.

At Combinado del Este also, *plantado* prisoners have frequently been denied correspondence and visits for long periods of time but this is not believed to be the case at present. The official Cuban newspaper, *Granma*, is regularly available and an official weekly, *Bohemia*, is said to be sporadically available. In 1980, books were reportedly confiscated from the *plantados* and they were allowed to keep only three books each, which had to be books published officially in Cuba. As in Boniato, ex-prisoners have reported periodical arbitrary and intentional denial of food, water, medical attention, and articles, such as eating utensils, toothbrushes and shoes, as well as beating by guards and prison officials.

Kilo Siete

Little is known about conditions at Kilo Siete, although reports received by Amnesty International from ex-prisoners indicate that at least for *plantados*, they are similar to those in Boniato and Combinado del Este.

Conditions for Women Prisoners

Teresa Mayans, who was released from the *Centro de Reeducación para Mujeres de Occidente*, just outside Havana, in 1983 after spending a year there told Amnesty International that she was allowed four visits per year of one and a half hours each from members of her family. In principle, she was allowed one letter every four months but did not receive any at all during the year she spent in prison. Prisoners were also allowed one package of food every four months of up to 20 lbs but she stated that guards sometimes smash up the parcels. Women she met in prison who were sentenced to ten years or more reportedly received visits only once or twice a year. Prisoners were allowed books from Cuba and Eastern Europe, as well as the government newspaper *Granma*. Common prisoners were allowed to work in a small workshop making jeans for which they received 1 or 2 pesos a month (\$1 or \$2).

At the time of her arrest in April 1982, she was taken to the headquarters of the *Departamento de Seguridad del Estado* (DSE), State Security Police, known as Villa Marista, in Havana, where she was reportedly strip-searched and then left in a cell with blinding electric lights constantly on for several days. She was held by the DSE for two months during which time she was interrogated on several occasions. During the interrogations, she was reportedly threatened that her son, who was arrested at the same time, would be shot. She was later released on bail until her trial.

Together with her son and husband, she was tried on 15 October 1982 for trying to leave the country illegally (Article 247.1 of the Cuban Penal Code — *salida ilegal*, considered by the Cuban authorities to be a common crime). She was sentenced to one year's imprisonment while the two men were sentenced to three years each. Upon conviction, she was taken to the *Centro de Reeducción para Mujeres de Occidente*, where she was initially held for seven months in a cell with a common prisoner accused of killing her mother who, according to Teresa, was being bribed with extra food rations by the authorities to make her life unbearable. After that, she was put in with a group of 32 common criminals, some of whom were mentally unstable or were suffering from serious ailments, such as syphilis, tuberculosis and parasitism, for which adequate medical attention was apparently not provided. They were kept in a cell 5m x 2m [16.5' x 6.5'] with three layers of bunks for 24 women. No ventilation was apparently available in the cell and they were seldom allowed outside — if they were, it was usually when the sun was hottest.

Teresa Mayans also met many young women held there on criminal charges, some of whom were reportedly taken to the *Departamento Técnico de Investigaciones* (DTI), Technical Investigations Department, for interrogation where, according to several women she met, male interrogators reportedly subjected them to sexual harassment while questioning them. Many women were also reportedly beaten by prison guards.

Teresa Mayans herself claims that just over a month prior to her release from the women's prison, she suffered a fracture of the coccyx as a result of being pushed to the ground by a guard during a protest by other prisoners in which she herself claims not to have participated. She said that despite being in pain, she was told that medical assistance could not be provided because there was no orthopedist available and that as she was soon to be released, she should put up with the pain as best she could until then.

On another occasion, a police officer reportedly told her that her son was seriously wounded and in danger of dying. Her son, Salvador Blanco,

was reportedly beaten up by a common prisoner while in prison and needed 22 stitches on his cheek, but was apparently at no point in danger of death. She believes that the news of his condition was deliberately exaggerated in order to worry her.

Upon release, Teresa Mayans was reportedly taken by a police officer to her place of work where she was presented to an assembly of her former colleagues and expelled from the Communist Party (and consequently from her job) with no right of appeal. Salvador Blanco and his father, Dr. Martinez Lara, were released from prison in April 1985. Salvador and Teresa both left Cuba in December 1985 and are currently living in France.

PRISONERS OF CONSCIENCE

At a press conference on socialist legality in Cuba, reported in the international edition of *Granma*, dated 14 April 1985, the Deputy Minister of Justice, Ramón de la Cruz, stated that "Any unbiased observer can come to the conclusion that in our country there's absolute respect for human rights. For example, those involved in crimes against state security and confined to prison have all had maximum guarantees. All were tried by the corresponding court and had the opportunity to have counsel, either selected by them or appointed by the court. None of them are prisoners of conscience. All engaged in concrete activities. Thousands of counter-revolutionaries, who had been serving time have left Cuba, and not a single one showed signs of ill-treatment."

Despite these assurances, Amnesty International has come to the conclusion that a number of political prisoners in Cuba are prisoners of conscience under the terms of the organization's mandate and may have been subjected to certain kinds of ill-treatment.

1. People imprisoned on charges of "enemy propaganda"

One charge that is sometimes applied to those who disagree with the Cuban system of government or are critical of some of its methods is that of *propaganda enemiga*, enemy propaganda. According to Article 108 of the Cuban Penal Code (see Appendix for full text), anyone who "incites against social order, international solidarity or the Socialist State, by means of oral, written or any other kind of propaganda" or "prepares, distributes or possesses" such propaganda, faces imprisonment for between one and eight years. If such activities are carried out via the mass media, the penalty is between seven and fifteen years' imprisonment.

Amnesty International is currently working for the release of four

Prisoners of Conscience imprisoned under the terms of Article 108:

Ariel HIDALGO GUILLEN

41-year-old academic and writer Ariel Hidalgo Guillén was arrested on 19 August 1981 and sentenced to eight years' imprisonment under Article 108.1. Little information is available concerning his trial. The main evidence against him is said to have consisted of the testimony of members of the local *Comité de Defensa de la Revolución* (CDR), Committee for the Defense of the Revolution, who said, among other things, that he "talked too much". Amnesty International believes, however, that he may have been convicted because of an unpublished manuscript entitled *Cuba, the Marxist State and the New Class: a Dialectical Materialist Study*, which the police reportedly found when they searched his home before the trial. The book strongly criticizes from an orthodox Marxist viewpoint the new ruling class in Cuba and other communist countries.

Ariel Hidalgo graduated in history from the University of Havana in 1975. During the 1970s he wrote a number of political and historical articles, several of which were published in official Cuban journals. In 1976 he wrote *Origins of the Worker Movement and Socialist Thought in Cuba*, which was used as a university textbook until 1981. When the book was published, he was described as a professor of social economics at the Manolito Aguiar Workers' College, where he is thought to have worked until his arrest.

He is at present serving his sentence in Combinado del Este Prison where he is said to have spent the first fourteen months in solitary confinement. He was then moved to an ordinary cell and his wife was allowed to visit him for two hours each month. In August 1984 the visits were reportedly cut to three a year. His health is said to be poor.

Edmigio LOPEZ CASTILLO

Edmigio López Castillo was detained on 25 March 1980 and also charged under Article 108.1. Together with another man, Luis Ruiz (who was released in December 1985 upon completion of his five-year sentence), he was accused of attempting to send abroad so-called "anti-government propaganda", part of which reportedly consisted of cartoons drawn by Ruiz. 63-year-old Edmigio López was sentenced to eight years' imprisonment. He had previously been detained in October 1967 in connection with the so-called *Microfacción* trial that took place in 1969 and which resulted in the imprisonment or expulsion from the Cuban

Communist Party of a number of "dissidents". He was sentenced on that occasion to twelve years but was released in 1973 after serving four years and seven months. Prior to that, he had worked as a journalist for the newspaper *Hoy, Today*, in Havana, and between 1963 and 1965 he held a diplomatic post at the Cuban Embassy in Moscow.

Prior to his last arrest, he had also reportedly been trying to obtain visas to travel abroad. (See section on *People imprisoned for leaving the country illegally* below.) His eyesight is said to be extremely bad as a result of glaucoma for which he is reportedly receiving medical attention, although Amnesty International has received allegations that it is not adequate.

Gregorio PEÑA ESTRABAO

Gregorio Peña Estrabao was arrested on about 28 July 1982 in Las Tunas and sentenced to eight years' imprisonment under Article 108.1, reportedly after he had received a letter from abroad that included a press cutting criticizing the Cuban Government. He had previously been arrested in 1979 and sentenced to four years' imprisonment, of which he served two and a half, for *salida ilegal*, trying to leave Cuba illegally. Amnesty International believes that he was arrested on the second occasion solely because of his known or alleged anti-government views. He is believed to be currently held at a prison in the town of Las Tunas about which little is known.

Andrés José SOLARES TESEIRO

Andrés José Solares Teseiro was arrested on 5 November 1981 and charged with "enemy propaganda" on the grounds that he was thinking of organizing a political party, to be called the Cuban Revolutionary Party, in opposition to the Cuban Communist Party, and that he had drafted several letters (which were not actually sent) to international personalities, among them Francois Mitterand and Edward Kennedy, asking them for advice and information on how to do so. He was also accused of sending a letter to a cousin in the USA, which was apparently intercepted by the Cuban authorities, in which he criticized the Cuban social system. All the documents that were seized and which appeared to be the only evidence against him were ordered to be burned after the trial, at which he was sentenced to eight years' imprisonment. It is not clear where he was held for the six months prior to his trial. He is at present being held in Combinado del Este Prison in Havana although at one time he was held at La Cabaña Prison, also in Havana. At Combinado del Este Prison, he is reportedly only allowed one visit every six months from his wife, although

his mother has seen him once, and he is not allowed to officially receive or send letters. Between November 1984 and October 1985 he is said to have been held in a punishment cell accused, together with other prisoners, of trying to provoke a riot in the prison. As a result, he is also said to have been prevented from doing paid prison work which enabled him to help support his family outside the prison.

Andrés Solares studied engineering at the *Instituto Superior Politécnico "José Antonio Echevarría"* in Havana. He subsequently worked as a civil servant, specializing in maritime engineering, and reportedly headed several construction projects for the *Empresa de Construcción de Obras de Arquitectura* (ECO A), Architectural Construction Enterprise. He also taught engineering and economics at Havana University. In the early 1970s, he received two UNESCO scholarships to study in the United Kingdom. Until this point, he is said to have been a strong supporter of the Cuban Government. However, after returning to Cuba, he reportedly complained about not being allowed to travel to the United Kingdom to obtain his doctorate and as a result of this and later also for severely criticizing, in the course of his lectures at the *Instituto Superior de la Economía*, the methods and behaviour of various government officials and bodies, he was called in for questioning several times by the State Security Police.

Andrés Solares was tried by the *Sala de Delitos contra la Seguridad del Estado del Tribunal Provincial Popular de la Habana*, Court of Crimes against State Security of the Havana Province People's Tribunal. He was reportedly unable to speak to his defense lawyer before the trial. In early 1985, he discovered that three of the five magistrates, including the president of the court, that judged the case had been dismissed from their posts and tried for *prevaricación* (misconduct) and other offenses. In accordance with Cuban law, Solares applied to have the proceedings against him nullified and requested a new trial but apparently received no response at all from the authorities.

Amnesty International has received no evidence that Andrés Solares has ever used or advocated violence and has therefore adopted him as a Prisoner of Conscience since he appears to have been detained solely on account of the peaceful expression of his beliefs.

2. People imprisoned for trying to leave Cuba illegally

According to Article 247 of the Cuban Penal Code (see Appendix for text), those who leave or try to leave Cuba without fulfilling the legal formalities face from six months to three years' imprisonment. The sentence for those who use violence or intimidation in order to leave or try

to leave is from three to eight years. Those who by deceit, coercion, force, violence or intimidation try to enter an embassy (to seek asylum) risk between one and eight years' imprisonment. According to Article 12 of the International Covenant on Civil and Political Rights, everyone shall be free to leave any country, including their own. Amnesty International therefore believes that anyone held under Article 247 who has neither used nor advocated violence can be considered to be a Prisoner of Conscience under the terms of its mandate.

Since 1979, tens of thousands of Cubans have been allowed to emigrate, mainly to the United States. However, Amnesty International has continued to receive reports that administrative procedures for leaving the country are extremely slow and bureaucratic and that some individuals, whose skills are particularly valued, such as medical doctors, or who are considered to constitute a risk to the Cuban authorities, from a political point of view, have faced harassment and, in some instances, imprisonment as a result of having expressed their wish to leave or having initiated enquiries with the authorities with a view to seeking emigration. Amnesty International has received reports that some people who have applied to leave the country, while not being imprisoned, have been unable to continue with their normal occupation and in some cases forced by police order to do manual work on construction sites or other kinds of unskilled labour.

One case of imprisonment for *salida ilegal* is that already mentioned above of Teresa Mayans, her son Salvador Blanco and husband Alfredo Martínez Lara, who were accused by the authorities of planning to defect while on an official trip abroad and sentenced under Article 247 to three years' imprisonment in the case of the two men and one year in the case of Teresa Mayans. Salvador Blanco was a well-known actor and television personality, Dr Martínez a prominent psychiatrist and Teresa Mayans a popular film actress. As already mentioned above, after serving their sentence, Teresa Mayans and Salvador Blanco were able to leave Cuba for France. In mid-September 1986, however, Amnesty International learned of the re-arrest of Dr Martínez Lara, apparently after he went to the airport to see off a group of former political prisoners who were being allowed to go to the USA. The precise charges against him are not known but he was believed to be held at the headquarters of the State Security Police in Havana as of October 1986.

Ricardo BOFILL PAGES

Another example is that of former Prisoner of Conscience Dr. Ricardo Bofill Pagés, a university professor, who has been arrested on several

occasions for political reasons. In between his various terms of imprisonment, he is reported to have applied on several occasions to leave Cuba. Despite well-publicized statements by the Cuban authorities that anyone who wants to leave Cuba is free to do so, he has consistently been refused permission to leave. He was granted conditional release from his latest term of imprisonment in August 1985, apparently on health grounds, but was again unable to succeed in his attempts to obtain official permission to leave the country to join his wife in the USA. He was reportedly subjected to close surveillance and was unable to obtain employment. On 28 August 1986 he entered the French Embassy in Havana, with a view to obtaining political asylum. At the time of writing, he is still there. The Cuban authorities are understood to be refusing to let him leave on this occasion because he was only released conditionally and has therefore not yet completed his sentence. The precise conditions under which he was released are not known to Amnesty International.

Dr. Bofill was first detained in 1967 as a consequence of an internal struggle within the Cuban Communist Party — the so-called *Micro-facción* trial of 1969 — and sentenced to 12 years' imprisonment, of which he served five. In April 1980, he was re-arrested on charges of illegal possession of foreign currency which he claimed was necessary to buy a ticket to travel abroad. Having been released in April 1982, he was again arrested in September 1983 after granting an interview to two French journalists — a few months earlier he had sought asylum in the French Embassy but left following assurances from the Cuban authorities that he would not be re-arrested. The precise charges on the occasion of his 1983 arrest are not known to Amnesty International but Cuban Vice-President Carlos Rafael Rodríguez told the organization that he was being held for his "counter-revolutionary activities". Some reports suggest that it was, at least in part, because of his activities as President of the unofficial *Comité Cubano Pro Derechos Humanos*, which functions clandestinely and is reportedly made up of prisoners and ex-prisoners. Some reports say that he was sentenced on this occasion to seventeen years but Amnesty International has no details of his trial.

Gustavo and Sebastián ARCOS BERGNES

Another former political prisoner who, upon reportedly being refused official permission to leave the country, resorted to illegal means, is Gustavo Arcos Bergnes, currently serving a seven-year sentence for attempting to leave the country illegally, illegal possession of firearms, attempting to smuggle property considered part of the national patrimony, and illegal possession of foreign currency. He had fought with

Castro during the Cuban Revolution and from 1960 till 1966 was Cuban Ambassador to Belgium. In 1967, he was sentenced to ten years' imprisonment, it is believed for "counter-revolutionary activity" although the precise charges are not known. He was released after serving three years and applied to leave Cuba but permission was refused. His wife and children had left Cuba several years earlier. When Gustavo heard that his son had been seriously injured in a car accident, he, together with his brother Sebastián, a dentist and former government official, his nephew also called Sebastián, and several others, tried to leave illegally by boat. Having been picked up by coastguards, they were tried in early 1982. Gustavo, who is 60, was sentenced to seven years' imprisonment and his brother, believed to be slightly younger, to six. Recent reports indicate that they have been held for the entire period together in the same small cell measuring 2 m x 2.5 m [6.5' x 8'] in Combinado del Este Prison and that they are both very thin and suffering from anemia. Gustavo is said to be in serious need of medical attention for significantly elevated blood pressure and Amnesty International has requested that he be given all necessary care, including transfer to an outside hospital if appropriate. The two brothers were allowed out of prison for two hours last year to attend their mother's funeral. (Gustavo's son is now believed to be in Cuba receiving medical treatment at the expense of the Cuban Government.)

The cases of Gustavo and Sebastián Arcos are being investigated by Amnesty International in order to obtain more information about the precise circumstances of their attempt to leave the country.

3. Other political prisoners

As already mentioned, there are believed to be at least several hundred other political prisoners currently in detention in Cuba for politically-related offenses. In many cases, the charges are criminal ones; however, Amnesty International has concluded that in several cases there is reason to believe that the person may have been convicted solely on account of his/her known opposition to the Cuban Government. In Cuba all press and media are government-controlled and independent human rights groups are unable to operate officially. It is therefore extremely difficult to obtain precise information concerning political prisoners. A great deal of the information at Amnesty International's disposal has come from relatives or friends of the prisoners living abroad, who have either left since the prisoner was detained or who have managed to correspond with them, often clandestinely, since then. Amnesty International has also received copies of some trial documents which indicate that political

detainees may sometimes be convicted despite serious lack of evidence.

Amnesty International is currently investigating the cases of two prisoners whom the organization believes may have been arrested and convicted on account of their past opposition activities or known or alleged political beliefs:

Felix José AGUDO ESCUDERO

Felix José Agudo Escudero was arrested on 17 October 1984 in Manatí, Las Tunas and accused of sabotage under Article 109.1 ch of the Cuban Penal Code. He is said to have willfully damaged for political motives the machinery at the "Argelia Libre" Sugar Mill, where he had been employed for ten years, latterly at least as Head of Machinery. The Court of Crimes against State Security of Santiago de Cuba sentenced him to ten years' imprisonment in May 1984. While there seems to be no doubt that serious damage was actually caused at the sugar mill, which may have been the result of negligence on the part of Félix Agudo, Amnesty International is concerned at the apparent lack of substantiation in the sentencing document (of which the organization has a copy) of the allegation that the damage was willfully caused for political motives. No suggestion is made, for example, that he had contact with opposition groups. The only basis for the allegation seems to be the fact that he was previously convicted in 1963 for *atentar contra los poderes del Estado*, committing an outrage against the powers of the State, for which he was sentenced to ten years' imprisonment, of which he served seven. In the latest trial against him, he was declared to be an "*elemento desafecto al proceso revolucionario*", "hostile to the revolutionary process", with no substantiation other than his previous conviction given.

Another matter of concern is that his trial may not have conformed to internationally-recognized legal standards for a fair trial. Amnesty International has received allegations that political prisoners have little time to prepare their defense and that contact with their defense lawyer is very limited. (See section on detention and trial procedures below.)

Amado RODRIGUEZ FERNANDEZ

Amado Rodríguez Fernández was arrested on 17 July 1984 in Santiago de Cuba on charges of rebellion (Art. 104), enemy propaganda (Art. 108-1-a) and b) and speculation (Art. 274-c). He was sentenced to 15 years on the first two charges and 6 months for speculation and hoarding, which apparently consisted of storing and selling nail varnish on the unofficial market (something quite widespread and by and large tolerated

by the authorities). He is currently serving his sentence in Boniato Prison. He had previously been arrested in November 1961 and sentenced to 30 years' imprisonment, apparently accused of being an agent of the US Central Intelligence Agency (CIA). He was pardoned and released in 1979. Amnesty International is concerned that Amado Rodríguez may have been arrested and convicted in the present instance solely on account of his non-violent opposition to the Cuban Government. The charge of "rebellion" does not appear from the sentencing document to have been substantiated. Amnesty International is further concerned at allegations that the original charges recommended by the Prosecution were changed three times as a result of pressure from the *Departamento de Seguridad del Estado* (DSE), State Security police, who had reportedly predicted to Amado Rodríguez, while in pre-trial detention, that he would get a 15 to 20 year sentence. In the end, Rodríguez was reportedly accused by the judge of "thinking of rebelling". Without the rebellion charge, the maximum penalty would have been eight years. Amado Rodríguez reportedly appealed unsuccessfully against the final sentence on the grounds that although there may have been evidence to justify the charge of enemy propaganda, insufficient evidence was presented to prove the rebellion charge.

IMPRISONMENT OF JEHOVAH'S WITNESSES AND SEVENTH DAY ADVENTISTS

In recent years, Amnesty International has received a number of reports indicating that many Jehovah's Witnesses are imprisoned in Cuba. On 1 July 1974, the Ministry of Justice, by Resolution No. 227, withdrew the official registration of the Jehovah's Witnesses from the Register of Religions on the grounds that they encouraged citizens not to carry out "elementary duties" such as defending the nation in accordance with the law, bringing up their children to respect and obey the Cuban Constitution and laws and to respect the flag and other national symbols.

Of the cases known to Amnesty International, those concerned are usually charged with specific offenses, such as refusing to do military service (sentence = 2-4 years) or telling their children not to salute the flag, rather than being a member of the sect itself.

Although information about imprisoned Jehovah's Witnesses is not easily available, partly because information about their arrest is not made public and partly because they themselves seem to have a policy of not publicizing such events, Amnesty International is aware of several cases, among them two who were held in Combinado del Este Prison serving terms of eight years' imprisonment each for offenses related to their

religious activities and who were reportedly released in May 1983 on humanitarian grounds. Another man, Felipe Hernández Martínez, believed to be involved in the same case, reportedly died in prison in 1981 as a result of respiratory arrest. The circumstances surrounding his death are not known to Amnesty International. Three others, since released, were reportedly imprisoned for organizing a religious procession.

According to some reports, those who are imprisoned for refusing to do military service are often asked again if they will serve in the army upon their release, and when they refuse, they are imprisoned again. According to released prisoners, as of 1984, about one hundred Jehovah's Witnesses were believed to be held in Combinado del Este Prison but Amnesty International has been unable to confirm their number or to obtain their names.

Amnesty International has also received reports that Seventh Day Adventists are imprisoned in Cuba for refusing to work on Saturday, their Sabbath, and refusing to send their children to school on that day. However, the organization has not received details of any recent such cases.

THE DEATH PENALTY

The death penalty is provided for at least 22 categories of offense under the Cuban Penal Code, falling under six headings: Crimes against the external security of the state, crimes against the internal security of the state, crimes against peace and international law, other acts against the security of the state, offenses against collective security, and crimes against the person (see AMR 25/01/81 for details).

In all cases, a penalty of ten to thirty years' imprisonment is provided as an alternative punishment to the death penalty. The death penalty is not applicable to women pregnant at the time of the offense or the time of sentencing nor to persons under 20 years of age. Execution is by firing squad.

Cases in which the death sentence might be applicable are heard by the provincial courts (*tribunal provincial revolucionario*). Any appeal, if made, is heard by the Supreme People's Tribunal (*Tribunal Supremo Popular*). If the death sentence is upheld by the Supreme Court, a second appeal can be lodged with the Council of State (*Consejo de Estado*), which is presided by Fidel Castro.

At a press conference reported in the Cuban press in April 1985, the Deputy Minister of Justice, Ramón de la Cruz, explained that the death sentence was "a legal weapon that could not be dispensed with for the time being". He went on to say that "a verdict of death by a court occurs

only in exceptional cases of particularly abhorrent crimes".

No official statistics on death sentences carried out have ever been published in Cuba, to Amnesty International's knowledge. While no credible reports have been received by the organization of the death penalty having been carried out during 1985-86 and no information concerning pending death sentences has been received, Amnesty International is concerned at a number of reports received between 1980 and 1984, according to which the death sentence had been called for by the courts in several cases. While in some cases the sentence is known to have been carried out or to have been commuted, in other cases no further news was received. The Cuban authorities have consistently failed to answer Amnesty International's requests to provide information about the application of the death penalty in Cuba, in particular the names of those executed and the charges they were convicted on, or to comment on specific reports of executions the organization has raised with them.

Reports of death sentences received by Amnesty International 1980-84

December 1980	Four people were sentenced to death and executed for "attempting to commit sabotage".
1980/81	Three brothers, Cipriano, Ventura and Eugenio García Marín, were reportedly executed, accused of occupying by force the Papal Nuncio's residence in Havana, where they were hoping to obtain asylum. (Their mother, who was also arrested at the same time, was sentenced to 25 years' imprisonment and is currently held in Havana Women's Prison, where she is said to be suffering from psychological problems.)
June 1981	Abilio González Llanes (28) and Rofolfo Alonso Roche (21) were reportedly sentenced to death and executed for attempting to burn a bus. Emilio Reloba Cardulis (42) was reportedly executed at about the same time for burning down a sugar cane factory.
October 1982	Ramón Toledo and Armando Hernández González were reportedly executed for plotting against the life of Fidel Castro. Several other people are believed to

have been arrested in connection with the same case (known as the *Causa de Menocal*) and to be currently serving prison sentences.

November 1982 Juan Carlos Espinoza (29) was reportedly executed after being tried on charges related to the sabotage of a sugar mill.

January 1983 Five men — Exequiel Díaz Rodríguez, José Luis Díaz Romero, Angel Donato Martínez García, Benito García Olivera and Carlos García Díaz, were reportedly sentenced to death on 25 January 1983 for "terrorism, sabotage, enemy propaganda and other acts against state security". The Cuban authorities denied that they were sentenced to death and said that they had been sentenced to 30 years' imprisonment. However, Amnesty International has received a copy of the appeal judgement on the case dated 6 April 1983 in which it is clear that the five men concerned were initially sentenced to death and had the sentence reduced to 30 years only as a result of the appeal.

February 1983 Antonio Carralero Ayala was reportedly executed on 24 February 1983. One source said that he was shot with five others for "conspiring against the powers of the State" while another source said he was executed, together with one other, for "sabotage".

May 1983 Carlos Alberto Gutiérrez (23) was reportedly executed in Santiago de Cuba, accused, according to one report, of "terrorism". Another said it was for "painting anti-government slogans".

1983 Five lawyers were reportedly sentenced to death but subsequent reports indicated that their sentences were commuted to varying terms of imprisonment. No firm information is available about the grounds for their arrest, although one report says two of them were accused of espionage and others of corruption. One of them, Aramis Taboada, well known for defending prisoners held for politically-related offenses, later died, reportedly of a heart attack, in prison in 1985.

March 1984 Diego Lorenzo Roche Periche (21) was, according to released prisoners, shot in Boniato Prison on 19 March 1984 after committing a politically-related offense, the exact nature of which is not known to Amnesty International.

1984 Six young political prisoners were reportedly shot at Boniato Prison, according to a former prisoner now in exile.

early 1984 Two young men from San José de las Lajas were reportedly executed for "throwing nails on the Havana-Santa Clara highway".

DETENTION AND TRIAL PROCEDURES

Detention and trial procedures are laid down by the Code of Penal Procedure, the Penal Code and the Constitution.

Trial procedures have substantially evolved in formal terms since the early years of the present government when Revolutionary Tribunals dealt with political trials. Most of the long-term prisoners known as *plantados* were tried and convicted by these tribunals. Their procedures are reported to have been summary, with insufficient opportunities for the defense, the court-appointed lawyer often limiting the plea to asking for leniency. For this reason, over the years Amnesty International has requested the Cuban Government to inform the organization of the precise charges against these prisoners and to provide details of their trials. Although Amnesty International has not received evidence that many of these prisoners qualified as Prisoners of Conscience, the organization has asked for a judicial review of their trials and sentences.

Revolutionary tribunals were abolished in 1973 when a series of reforms of the judiciary began. Until then, the Penal Code and other legal texts consisted of a combination of pre-revolutionary and post-revolutionary laws and procedures, and many of those enacted after 1959 dealt specifically with political offenses, including acts of violence. Such offenses were encompassed by the term "counter-revolutionary offenses" and were dealt with in the Penal Code under the chapter on "Offenses against the Security of the State".

According to the *Ley de Organización del Sistema Judicial*, Law of Organization of the Judicial System, of 1977 all present-day Cuban courts are made up of professional and lay judges, with equal rights and duties. All lay judges are elected and serve a two-and-a-half year term.

The lay judge is involved in all litigation, debates and votes on all sentences handed down by courts at all levels and on all issues. She/he is involved in both establishing the facts as well as ruling on the crime and passing sentence. *Delitos contra la seguridad del Estado*, offenses against the security of the State, are tried at provincial level in the *tribunales provinciales populares*, people's provincial tribunals, where the court is presided over by three professional judges (one of whom presides) and two lay judges. From there, appeals may be made to the highest court in Cuba, the *Tribunal Supremo Popular*, Supreme People's Tribunal. In certain exceptional cases, "determined by the public and social importance and significance of the matter or because of the personal characteristics of the alleged culprits", the Supreme People's Tribunal may deal with a case in the first instance (Article 399 of the Code of Penal Procedure).

Professional judges are selected by the Council of Ministers from a list of nominees, serve a set five-year term and can be removed at any time by the Council of Ministers. The President of the Supreme People's Tribunal is appointed for a seven-year term by the President of Cuba with the agreement of the Council of Minister, and presides over the Council of Government of the Supreme People's Tribunal which, under the direction of the Council of Ministers, directs and administers the entire court system.

The Rights of the Defendant

According to Article 58 of the Cuban Constitution, in force since 1976, "every accused person has the right of defense... No violence or pressure can be used against people to force them to testify" and furthermore, "all statements obtained in violation of the above precepts are null and void, and those responsible for the violation will be punished, as outlined by law". Article 57 states *inter alia* that "the person who has been arrested, or the prisoner, is inviolable in his personal integrity."

Articles 245 to 249 of the Code of Penal Procedures lay down the procedures which the authorities must follow once somebody has been arrested. The Code designates the following agents in the process: the police, the accused, the *instructor* (investigator), who can either be from the police or the DSE, the *fiscal* (public prosecutor) and a tribunal of the first instance, which, in the case of crimes against state security, is normally the *Tribunal Provincial Popular*, People's Provincial Tribunal, although in some exceptional cases, as already mentioned above, the *Tribunal Supremo Popular*, Supreme People's Tribunal, deals with the case.

The procedure is as follows: The police cannot hold a detainee for more than 24 hours without advising the *instructor*, who then has 72 hours to free the detainee or to bring the case before the *fiscal*. The *fiscal* has 72 hours to decide whether to impose a custodial measure or to free the detainee, which requires a written decision stating the legal grounds. If the *fiscal* decides on a custodial measure, the case is then brought before the competent tribunal which has 72 hours to confirm, modify or quash the decision of the *fiscal*, also on the basis of a written resolution stating the legal grounds. The case is sent back to the *fiscal* who hands over the file to an instructor who "*sin dilación*" (without delay) must notify the accused of the decision of the tribunal and of his/her right to designate a lawyer.

From this moment, "the accused will be a party to the proceedings and can present evidence in his favour either himself or through a defense lawyer" (*el acusado será parte en el proceso y podrá por si mismo o por medio de su defensor proponer pruebas a su favor*). The tribunal may, however, decide for state security reasons that the accused and the lawyer may not have access to the trial indictment during the preparatory stage prior to the trial hearing (Article 249).

A number of remarks can be made on the provisions of the Code of Penal Procedures. For example, there is no mention of any procedures governing incommunicado detention and the requirement or indeed, need for judicial arrest warrants. There is no specific mention of the places where preventive detention may legally take place, nor is there any mention of any statutory rights detainees may have during the period of pre-trial detention to meet family and lawyers, nor the frequency with which this might take place.

The Code of Penal Procedures allows up to ten days from the time of arrest before a detainee is formally informed of his/her indictment. It is only at this stage that a lawyer can be appointed. This means that a detainee is unable during the initial days of detention to seek and obtain legal advice or to challenge the legality of the arrest.

The *habeas corpus* procedure, as defined by Article 467 of the Code of Penal Procedures, stipulates the following: "Any person deprived of their freedom and not charged and who has not been granted the formalities and guarantees provided for by the Constitution and law, must be released either at their own request or at the request of another person by means of a very short *habeas corpus* procedure addressed to the competent courts."

("Toda persona que se encuentre privada de libertad fuera de los casos y sin las formalidades y garantías que prevén la constitución y las leyes, debe ser puesta en libertad, a petición suya o de cualquier otra persona, mediante un sumarísimo proceso de *habeas corpus* ante los tribunales competentes.")

However, Amnesty International is not aware of any case in which this procedure has been followed. The procedure does not seem to be relevant when there is reason to believe that the detainee is being subjected to ill-treatment in the detention facilities of *Seguridad del Estado* since even if the tribunal accepts the application for *habeas corpus*, Article 467 states that the holding authority has 72 hours to bring the detainee before it, unlike Codes of Penal Procedure in other countries which stipulate that this should be done immediately.

Over the years, Amnesty International has received abundant and consistent allegations from former political prisoners that the legal counsel available in Cuba is very limited. Prisoners usually have very little time, if any, to talk to their lawyer prior to the hearings which although by law (unless otherwise decided by the court) are public, in practice appear to offer very little opportunity for the general public to attend if they wish to do so. For example, the trial of Teresa Mayans, her husband and son (already mentioned earlier) reportedly took place in a very small courtroom which only lawyers or people studying to be lawyers were permitted to enter.

In the case of offenses against the security of the State, the role of the *Departamento de Seguridad del Estado* (DSE) appears to be a dominant and powerful one. Not only do they seem to be able to hold a prisoner virtually incommunicado for weeks and months at a time but the evidence that they submit during the trial does not appear to be questioned by the court. Furthermore, in some cases such as that of Amado Rodríguez (see above), who was accused of "rebellion" and sentenced to fifteen years in April 1985, it is alleged that the DSE put pressure on the *fiscal* (public prosecutor) to sentence him for "rebellion", which carries a maximum sentence of fifteen years, rather than "enemy propaganda", which in this case would have carried a sentence of eight years. Amnesty International is concerned that the official sentencing document in this case does not appear to substantiate the charge of rebellion and that his conviction may have been obtained as a result of pressure put on the prosecutor's office by the DSE because of Rodríguez' previous record of opposition activities rather than for any specific activity he may have been carrying out at the time of his arrest.

Defense lawyers

In Cuba there is no private exercise of advocacy. Lawyers must belong to a *bufete colectivo*, collective lawyers' office, in order to be able to practice law. Their functions are defined in Article 169 of the *Ley de Organización del Sistema Judicial* (LOSJ), Law of Organization of the

Judicial System, as follows:

"On acting before the courts, the function of the lawyers is to duly defend the interest that they represent, BY NOT ABUSING THE RESOURCES AND DEFENSE MEASURES GUARANTEED BY LAW IN A WAY THAT IS LIKELY TO PREVENT JUSTICE FROM ACCOMPLISHING THE SOCIAL FUNCTION THAT CORRESPONDS TO IT." (Emphasis added.) ("Los abogados tienen como función, al actuar ante los tribunales, defender debidamente el interés que representan, EVITANDO ABUSAR DE LOS RECURSOS Y MEDIOS DE DEFENSA QUE LA LEY GARANTIZA EN FORMA TENDENTE A IMPEDIR QUE LA JUSTICIA PUEDA CUMPLIR LA FUNCION SOCIAL QUE A ELLA CORRESPONDE.")

In the *Reglamento de Bufetes Colectivos* (RBC), the rules governing the functioning of the collective lawyers' offices, Article 3 defines eight points as being their main objectives, four of which are clearly related to their function of supporting the socialist system in Cuba:

4. To promote the importance of respect for socialist legality (*Promover los valores de respecto a la legalidad socialista*);
5. To work for the development of a socialist judicial conscience (*Trabajar por el desarrollo de la conciencia jurídica socialista*);
6. To contribute to the ideological, political, judicial and cultural improvement of its members and administrative personnel (*Contribuir a la superación ideológica, política, jurídica y cultural de sus miembros y del personal administrativo*);
8. To promote amongst its members the international spirit of solidarity that our revolution practices (*Elevar a sus miembros el espíritu solidario e internacionalista que practica nuestra revolución*).

The Code of Ethics of the *bufetes colectivos* lists twelve shortcomings (*faltas de ética*) which may be the subject of disciplinary measures, including expulsion from the *bufetes*. For example, Article 2 refers to:

- j. Acting in a way likely to prevent justice from accomplishing its social function (*Actuar en forma tendente a impedir que la justicia pueda cumplir en su función social*);
- k. Adopt in the exercise of their legal function an individualist attitude,

without a collective working spirit (*Desenvolverse en el ejercicio de su función letrada con una actitud individualista, sin espíritu colectivo de trabajo*).

Study of the provisions of the *Ley de Organización del Sistema Judicial*, the rules governing the functioning of the *bufetes colectivos*, trial records and testimony of former political prisoners seems to support allegations by the latter that in practice the political detainee is at the mercy of the authorities and in particular of the Department of State Security. Although the prisoners do have access at some stage to a lawyer, do appear before a court and do have the right of appeal which they often take up, political prisoners consider that from the moment they are arrested by the DSE, their fate is sealed, the trial being merely a formality. Lawyers appear to be just auxiliaries and ancillaries in this process rather than clearly defending the interests of their client. Those who do so risk being seen to endorse the defendant's political views. Furthermore, in most cases known to Amnesty International, the defense lawyer hardly sees the defendant before the public stage of the trial.

There appear to be a limited number of lawyers willing to take up political cases and the same names tend to appear in such trials. One of the lawyers most wellknown for defending political prisoners was Aramis Taboada, who took up the cases of many political prisoners from the early 60's onwards. Taboada was himself arrested in 1983, reportedly on charges of corruption. However, Amnesty International has received allegations that while he may have been involved in some kind of malpractice, the real reason for his detention was his attitude in the case of several people tried and convicted on charges of sabotage who were sentenced to death. Aramis Taboada reportedly alerted international opinion about the death sentences passed against his clients. Because of unconfirmed allegations that the people concerned had tried to form a Solidarity-type trade union in Cuba, the Cuban authorities showed deep annoyance and embarrassment at the publicity the case attracted in the world media and went outside of its established policy by making a public statement on the matter.

APPENDIX

RELEVANT ARTICLES OF THE CUBAN PENAL CODE

Article 108 ENEMY PROPAGANDA

1. A penalty of one to eight years' loss of liberty will be incurred by anyone who:
 - a) incites against social order, international solidarity or the socialist state, by means of oral, written or any other kind of propaganda;
 - b) making, distributing or possessing propaganda of the kind mentioned in the previous paragraph.
2. Anyone who diffuses false news or malicious predictions likely to cause alarm or discontent in the population, or public disorder will incur a penalty of one to four years' loss of liberty.
3. If, in the execution of the deeds foreseen in the previous paragraphs, the mass media are used, the penalty will be seven to fifteen years' loss of liberty.
4. Anyone who allows the use of the mass media referred to in the previous paragraph will incur a penalty of one to four years' loss of liberty.

[Artículo 108 PROPAGANDA ENEMIGA

1. Incurrir en sanción de privación de libertad de uno a ocho años el que:
 - a) incite contra el orden social, la solidaridad internacional o el Estado socialista, mediante la propaganda oral o escrita o en cualquier otra forma;
 - b) confeccione, distribuya o posea propaganda del carácter mencionado en el inciso anterior.
2. El que difunda noticias falsas o predicciones maliciosas tendentes a causar alarma o descontento en la población, o desorden público, incurrir en sanción de privación de libertad de uno a cuatro años.

3. Si para la ejecución de los hechos previstos en los apartados anteriores, se utilizan medios de difusión masiva, la sanción es de privación de libertad de siete a quince años.

4. El que permita la utilización de los medios de difusión masiva a que se refiere el apartado anterior, incurre en sanción de privación de libertad de uno a cuatro años.]

Article 247

ILLEGAL DEPARTURE FROM NATIONAL TERRITORY

1. He who, without complying with the legal formalities, leaves, or carries out acts with the intention of leaving national territory, will incur a penalty of six months to three years' loss of liberty.

2. If in the carrying out of the deed mentioned in the previous paragraph violence or intimidation against persons or force against things is employed, the penalty will be three to eight years' loss of liberty.

3. The offenses foreseen in the previous paragraphs will be penalized independently from those that may be committed for or at the time of their execution.

[Artículo 247

SALIDA ILEGAL DEL TERRITORIO NACIONAL

1. El que, sin cumplir las formalidades legales, salga o realice actos tendentes a salir del territorio nacional, incurre en sanción de privación de libertad de seis meses a tres años.

2. Si para la realización del hecho a que se refiere el apartado anterior, se emplea violencia o intimidación en las personas o fuerza en las cosas, la sanción es de privación de libertad de tres a ocho años.

3. Los delitos previstos en los apartados anteriores se sancionan con independencia de los que se cometan para su ejecución o en ocasión de ella.]

CUBAN AMERICAN NATIONAL FOUNDATION

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Cuba's Financial Crisis: The Secret Report from the Cuban National Bank. This 84-page report, prepared in February 1985 for Cuba's Western creditors as part of its efforts to reschedule its foreign debt, describes the benefits of Cuba's trade with the Soviets, details the deterioration of the island's economy and requests trade and other concessions from the West. Dr. Jorge A. Sanguinetti, formerly with the Cuban Central Planning Board, provides an analytical introduction. Price \$3.00.

The Children of Mariel from Shock to Integration: Cuban Refugee Children in South Florida Schools by Helga Silva. Describes the impact on South Florida's public schools of the more than 15,000 Cuban refugee children who arrived in the 1980 Mariel boatlift. Details the bilingual education programs Dade County used to integrate the new students into its public schools. Price \$3.00.

The Kennedy-Krushchev Pact and the Sandinistas by Jeane J. Kirkpatrick. Analyzes the 1962 agreement that guaranteed the security of Fidel Castro's regime and the implications for the Western Hemisphere of a similar accord between Washington and Managua. In English and Spanish. Price \$3.00.

Harnessing the Intellectuals: Censoring Writers and Artists in Today's Cuba by Carlos Ripoll, Professor of Literature, Queens College, New York, chronicles the plight of several Cuban journalists, writers and artists who have spent years in prison as a result. The report describes the Cuban revolution's intellectual policy. Price \$3.00.

Nicaragua's Slow March to Communism by Joshua Muravchik. An overview of the background of the Sandinistas and the growing influence of Cuba and the Soviet Union on Sandinista domestic and foreign policies. Describes the conflict with the Church, the private sector and the Leninist nature of the Nicaraguan government today. Joshua Muravchik holds a doctorate in International Relations from Georgetown University. He writes frequently on political issues for various journals and newspapers. Price \$3.00.

Following the Leader in the Horn: the Soviet-Cuban presence in East Africa by Dr. William E. Ratliff. An analysis of the shifting Cuban-Soviet alliances in the Horn of Africa. Describes earlier Cuban support and subsequent betrayal of the Somali and Eritrean guerrilla movements as well as Cuban military operations in Ethiopia. Dr. Ratliff is a research fellow at the Hoover Institution on War, Revolution and Peace at Stanford University. Price \$3.00.

Reagan on Cuba, selected statements by the President. A collection of President Reagan's remarks on the Castro revolution with a foreword by Vice-President Bush. This selection also includes earlier comments made by Mr. Reagan before his election to the presidency. Price \$4.00.

Political Hospitality and Tourism: Cuba and Nicaragua by Paul Hollander. This thirty-two page study exposes a systematic campaign of "political hospitality and tourism" designed to persuade elite groups of the virtues of the Fidelista and Sandinista Revolutions. Dr. Hollander, author of *Political Pilgrims: Travels of Western Intellectuals to the Soviet Union, China, and Cuba* (1981, 1983), is professor of sociology at the University of Massachusetts, Amherst, and a fellow at the Harvard Russian Research Center. Price: \$3.00.

Fidel Castro and the United States Press, by John P. Wallach. According to the author, Castro has "brilliantly" manipulated the American press corps throughout the last two decades. The essay explores how the American

media has often given Castro the benefit of the doubt. It includes numerous examples of Castro's techniques in dealing with the media. John P. Wallach is the Foreign Affairs Editor for Hearst Newspapers. Price: \$4.00.

Castro's Puerto Rico Obsession is a study of Castro's campaign to promote a Marxist Puerto Rico. It details Castro's efforts to promote Puerto Rican "independence" in the United Nations, and his support for Puerto Rican terrorist groups. The study includes a brief history of Cuban and Puerto Rican relations since the nineteenth century. Price: \$4.00.

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